

July 22, 2024

**VIA ECF**

Hon. Jennifer L. Rochon  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re:** *Thomas et al. v. David C. Banks, et al.*, 24-cv-05138 (JLR)

**Dear Judge Rochon:**

As Your Honor may be aware, the undersigned represents the Plaintiffs in the above-referenced matter. On July 16, 2024, the Plaintiffs filed a Proposed Order to Show Cause, and supporting papers, with the Court. [ECF Nos. 7-9].

On July 17, 2024, Your Honor directed Plaintiffs to "...take all steps necessary to effect proper service as required by the Federal Rules of Civil Procedure, or request waiver of service from Defendants." [ECF No. 10].<sup>1</sup> Your Honor also directed the Plaintiffs to "...serve this Order on Defendants as soon as possible and no later than July 19, 2024." [ECF No. 10]. I did not serve the Defendants with the papers on July 17 as I believed another member of the firm had done so. On July 18, 2024, Jaimini A. Vyas entered an appearance on behalf of the Defendants.

On Friday, July 19, 2024, the parties met and conferred to discuss outstanding issues in this matter, including a briefing schedule, as well as other similar matters currently pending in the Southern District. Early this afternoon, I realized that we had not formally complied with Your Honor's July 17 Order by serving the Defendants with our motion papers and Your Order by July 19, even though we have complied with the Court's Order in all other respects.

The Plaintiffs have now served the Defendants with the Court's Order and their motion papers through the Defendants' email service portal at [serviceecf@law.nyc.gov](mailto:serviceecf@law.nyc.gov), and filed an acknowledgment of service with the Court. [ECF No. 12]. The parties will file their letter, proposing a briefing schedule for any opposition and reply to the Plaintiffs' motion by 2:00 p.m. tomorrow.

Plaintiffs sincerely apologize for the service error and thank the Court for its courtesy and consideration in this matter.

Respectfully submitted,

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<sup>1</sup> The Complaint was served on the Defendants on July 10, 2024, and Acknowledgment of Service was filed with the Court. [ECF No. 6].

*Rory J. Bellantoni*

Rory J. Bellantoni (RB2901)

Cc: All Counsel of Record via ECF.